able crop which did not mature. *Shotwell* v. *Dodge,* 8 Wash. 337; *Jones & Jones* v. *Cooley Lake Club,* 122 Mo. App. 113, 98 S. W. 82; *Smith* v. *Chicago etc. Ry. Co.,* 38 Iowa, 518, 521. Other courts, probably the majority, do not hold to the rule last stated, but they do what in effect amounts to the same thing, viz., announce the measure to be the market value of the crop at the time of injury or destruction, and permit evidence to go to the jury on the probable crop, etc. *Teller* v. *Bay & River Dredging Co.,* 151 Cal. 209; *Little Rock etc. Ry. Co.* v. *Wallis,* 82 Ark. 447; *Risse* v. *Collins,* 12 Idaho 689; *Folsom* v. *Apple River Log Driving Co.,* 41 Wis. 602. For the purpose of showing the value of the probable crop without injury it is competent to show "what that character of crop was worth at or near the place where it was grown, when matured, and to make proper estimates and allowances from ascertained or ascertainable facts for the contingencies and expenses attending further cultivation and care." *Missouri etc. Ry. Co.* v. *Hagler,* (Tex. Civ. App.) 112 S. W. 783. The competency of evidence of the value of the probable crop at maturity is denied in some States on the ground that it is too uncertain and speculative. *Ohio etc. Ry. Co.* v. *Nuetzel,* 43 Ill. App. 108; *Roberts* v. *Cole,* 82 N. Car. 292; *Burnett* v. *Great Northern Ry. Co.,* 76 Minn. 461, and this whether the loss is total or the injury partial. Where the destruction of the crop is complete the ascertainment of damage is attended with less difficulty. *People's Ice Co.* v. *Steamer "Excelsior,"* 44 Mich. 229. Various rules are applied; in one jurisdiction the difference in value of the land on which the crop was grown before and after the loss of crop is said to be the true measure. *Horres* v. *Berkeley Chem. Co.,* 57 S. Car. 189. And if destroyed before coming up the measure of damages is said to be the rental value of the land and the cost of seed, labor, etc. *Young* v. *West,* 130 Ill. App. 216.

DAMAGES—LIABILITY OF CORPORATION IN PUNITIVE DAMAGES FOR ACTS OF ITS OFFICERS.—Defendant corporation piled lumber on its property within a few inches of the line between its land and that of the plaintiff, the latter having a dwelling house close to the line. Plaintiff, being fearful that the wind might blow the pile over onto his house, spoke to the defendant's manager about it. The manager promised to remedy the matter, but nothing was done. Soon after the interview, a heavy wind blew boards from the lumber pile against the plaintiff's house, causing considerable injury to the same; also, snow and ice collected on the roof of a store house near the line on the corporation's property, which slid therefrom against the plaintiff's house. *Held,* that the corporation was liable for punitive damages. *Bishop* v. *Readsboro Chair Mfg. Co.* (Vt. 1911), 81 Atl. 454.

In allowing punitive damages, the Vermont court distinguished between the principal case and two opinions previously handed down in the same jurdiction, in both of which it was held that, where the offender is the agent or servant of the corporation, the principal can be made liable for punitive damages only when the corporation has either directed, participated in, or subsequently approved the misconduct of the agent or servant. *Willett* v. *St. Albans,* 69 Vt. 330; *Wells* v. *Boston & Maine Ry.,* 82 Vt. 108. The former case refused

exemplary damages, the negligence being that of municipal trustees in the erection of a sewer, while the *Wells* case was trespass for assault and battery committed by the conductor of the defendant railroad in forcibly ejecting a passenger from a train. (The doctrine enunciated in these two cases, although not the majority rule, is that of a number of states. *Bank of Palo Alto* v. *Pac. Postal Tel. Cable Co.*, 103 Fed. 841; *L. S. Ry.* v. *Prentice*, 147 U. S. 101; *Reuping* v. *C. & N. Ry. Co.*, 116 Wis. 625; *I. & G. N. Ry. Co.* v. *McDonald*, 75 Tex. 41; *Sun Life Assurance Co.* v. *Bailey*, 101 Va. 443.) The distinction between the principal case and the two Vermont cases cited, says the court, is that in the former the act complained of was one due to the negligence of an officer of the corporation and not a mere employee. The court argues that "a corporate body in the management and prosecution of its business necessarily acts through its governing officers, and therein, as to third persons with whom they are brought in contact or collision, such officers stand to all intents and purposes as the corporation itself." In taking this stand, the court agrees with *Denver & Rio Grand Ry. Co.* v. *Harris*, 122 U. S. 597, in which case the same distinction as here drawn was recognized. The court, in the *Harris* case, speaking through the late Justice HARLAN, said that the doctrine of punitive damages should apply on the ground that the evidence clearly showed that the corporation by its governing officers,—not mere employees—participated in and directed the acts done. Cases of the nature of the principal case show an attempt on the part of the courts pronouncing them to draw away from the old rule that a corporation is only liable in punitive damages for the acts of its servants when the corporation directs or adopts such acts, and to adopt the principle generally accepted that a corporation may, to the same extent as a natural person, be liable in exemplary damages for a tort committed wantonly, oppressively or with gross negligence, in the business of the corporation by a servant of the corporation within the scope of his employment, and if the act is such an act as would subject the servant to exemplary damages if he had been sued as a principal. *Goddard* v. *Grand Trunk Ry.*, 57 Me. 202; *Taylor* v. *G. T. Ry.*, 48 N. H. 304; *Townsend* v. *N. Y. Etc. Ry.*, 56 N. Y. 295; *Singer Mfg. Co.* v. *Holdfoldt*, 86 Ill. 455; *Denver Etc. Ry. Co.* v. *Harris*, 122 U. S. 597; *Times Publ. Co.* v. *Carlisle*, 94 Fed. 762. As to any such middle ground as is attempted by the principal case, it is said, in *Goddard* v. *G. T. Ry.*, *supra*, that all attempts to distinguish between the guilt of the servant and that of the corporation, or the malice of the servant and that of the corporation, is sheer nonsense, and only tends to confuse the mind and confound the judgment.

EVIDENCE—CARBON COPY ADMISSIBLE AS DUPLICATE ORIGINAL.—Plaintiff sued and recovered upon a policy of fire insurance. Upon appeal it was urged by the defendant that the trial court had erred in admitting in evidence a carbon copy of the purported proofs of loss offered by the plaintiff, without requiring the latter to account for the non-production of the original served upon the company's agent, or to show that notice had been served upon defendant to produce it. *Held*, a carbon copy is a duplicate original, and is properly admitted in evidence even where the original has not been ac-